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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,691	03/24/2004	Dirk Weseloh	P03,0118-01	4405

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SCHIFF HARDIN, LLP  
PATENT DEPARTMENT  
6600 SEARS TOWER  
CHICAGO, IL 60606-6473

EXAMINER
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WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
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2155

MAIL DATE	DELIVERY MODE
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01/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/807,691

Applicant(s)

WESELOH, DIRK

Examiner

Michael Y. Won

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. This action is in response to the application filed March 24, 2004.
2. Claims 1-8 have been examined and are pending with this action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5, and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Vaeth et al. (US 6,035,402).

### **INDEPENDENT:**

As per **claim 1**, Vaeth teaches a method for remote maintenance of a technical device by a maintenance technician by a maintenance computer, comprising the steps of:

establishing a remote data connection between the maintenance computer and the technical device (see col.1, lines 36-38: "Internet network provides connection");

transmitting electronic access information dependent on a scope of intended access to data stored in the technical device from the maintenance computer to the technical device (see col.6, lines 10-12: "providing information including verification or qualification data");

transmitting an electronic identifier identifying the maintenance technician from the maintenance computer to the technical device (see col.6, lines 10-12: "providing information including... requester's public key");

determining an approval by an operating personnel of an access by the technical device dependent on access information and the identifier (see col.6, line 13: "approving the request"); and

generating electronic authentication information by the technical device dependent on the determination of the approval (see col.6, lines 14-16: "generating the certificate with the requester's public key").

As per **claim 8**, Vaeth teaches a computer-readable storage medium on which is stored information that interacts with a data processing device in order to execute a method on the data processing device comprising the steps of:

establishing a remote data connection between the maintenance computer and the technical device (see col.1, lines 36-38: "Internet network provides connection");

transmitting electronic access information dependent on a scope of intended access to data stored in the technical device from the maintenance computer to the technical device (see col.6, lines 10-12: "providing information including verification or qualification data");

transmitting an electronic identifier identifying the maintenance technician from the maintenance computer to the technical device (see col.6, lines 10-12: "providing information including... requester's public key");

determining an approval by an operating personnel of an access by the technical device dependent on access information and the identifier (see col.6, line 13: "approving the request"); and

generating electronic authentication information by the technical device dependent on the determination of the approval (see col.6, lines 14-16: "generating the certificate with the requester's public key").

**DEPENDENT:**

As per **claim 2**, which depends on claim 1, Vaeth teaches further comprising the step of: transmitting authentication information from the technical device to the maintenance computer (see col.6, lines 18-19).

As per **claim 5**, which depends on claim 1, Vaeth teaches further comprising the step of: transmitting electronic documentation of accesses effected by the maintenance computer from the maintenance computer to the technical device (see col.6, lines 10-12).

As per **claim 7**, which depends on claim 1, Vaeth teaches further comprising the step of: automatically determining an extent of an intended data access during the remote maintenance (see col.3, lines 65-67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaeth et al. (US 6,035,402) as applied to claim 1 above, and further in view of Mizikovsky et al. (US 5,524,135).

As per **claim 3**, which depends on claim 1, Vaeth does not explicitly teach further comprising the step of: printing information by the technical device dependent in the authentication information.

Mizikovsky further comprising the step of: printing information by the technical device dependent in the authentication information (see col.2, lines 46-47).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Vaeth in view of Mizikovsky by implementing printing information by the technical device dependent in the authentication information. One would be motivated to do so because the step of printing information is subjective and are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to print any data because such operation does not functionally relate to the steps in the

method claimed and because the subjective interpretation of the step does not patentably distinguish the claimed invention..

5. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaeth et al. (US 6,035,402) as applied to claim 1 above, and further in view of Rowe et al. (US 6,182,129).

As per **claim 4**, which depends on claim 1, Vaeth does not explicitly teach further comprising the step of: transmitting electronic termination information dependent on a termination of the access from the maintenance computer to the technical device.

Rowe teaches transmitting electronic termination information dependent on a termination of the access from the maintenance computer to the technical device (see col.9, lines 43-44).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Vaeth in view of Rowe by implementing transmitting electronic termination information dependent on a termination of the access from the maintenance computer to the technical device. One would be motivated to do so because such means is known to one of ordinary skill in the art when one device wishes to terminate a session.

As per **claim 6**, which depends on claim 1, Vaeth does not explicitly teach further comprising the step of: automatically deleting electronic data that has been transmitted from the technical device to the maintenance computer and stored in the maintenance

computer from the maintenance computer by the maintenance computer, dependent on termination of the access.

Rowe teaches automatically deleting electronic data that has been transmitted from the technical device to the maintenance computer and stored in the maintenance computer from the maintenance computer by the maintenance computer, dependent on termination of the access (see col.9, lines 45-52).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Vaeth in view of Rowe by implementing automatically deleting electronic data that has been transmitted from the technical device to the maintenance computer and stored in the maintenance computer from the maintenance computer by the maintenance computer, dependent on termination of the access. One would be motivated to do so because such means preserves available memory.

### ***Conclusion***

6. For the reasons above, claims 1-8 have been rejected and remain pending.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

January 18, 2008